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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,368	11/08/1999	KENNETH C. CRATER	109087-0002P	6513

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SQUARE D COMPANY
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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/436,368

Applicant(s)

CRATER ET AL.

Examiner

Viet Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17,56-69 and 126-128 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17,56-69 and 126-128 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The current title does not accurately describe the claimed invention. A new title is required that is clearly indicative of the invention to which the claims are directed.

Non-Art Rejections:

2. The following non-statutory double patenting rejection is based on a judicially created doctrine grounded in public policy so as to prevent the unjustified or improper timewise extension of the right to exclude granted by a patent. In re Sarett, 327 F2.d 1005, 140 USPQ 474 (CCPA 1964); In re Schneller, 397 F2.d 350, 158 USPQ 210 (CCPA 1968); In re White, 405 F2.d 904, 160 USPQ 644 (CCPA 1969); In re Thorington, 418 F2.d 528, 163 USPQ 644 (CCPA 1969); In re Vogel, 422 F2.d 438, 164 USPQ 619 (CCPA 1970); In re Van Ornam, 686 F2.d 937, 214 USPQ 761 (CCPA 1970); In re Longi, 759 F2.d 887, 225 USPQ 645 (Fed. Cir. 1985); and In re Goodman, 29 USPQ 2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. 1.78(d).

3. Claims 1-17, 56-69 and 126-128 are rejected under the judicially created doctrine of double patenting as being unpatentable over prior U.S. Patent No. 5,982,362.

Although the conflicting claims are not identical, they are not patentable distinct from each other because prior claims 1-23 contain most limitations cited in the present claims. A network server is apparently required in prior claims to serve data via Internet to the client.

4. Claims 1-17, 56-69 and 126-128 are also rejected under the judicially created doctrine of double patenting as being unpatentable over prior U.S. Patent No. 5,805,442.

Although the conflicting claims are not identical, they are not patentable distinct from each other because prior claims 1-22 contain most limitations cited in the present claims. A network server is apparently required in prior claims to serve data via Internet to the client.

Art Rejections:

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-17, 56-69 and 126-128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosling, U.S. pat. No. 6,6187,54 in view of Smith, U.S. pat. No. 6,002,340.

Per claim 1, Gosling discloses a system and method for enabling remote access to network resource data comprising:

- a) a network server (310, fig. 6) configured to receive requests from a remote client (320, fig. 6),
- b) a storage (316, fig. 6) for storing resource data with embedded Java codes (see col 11, lines 49-63),
- c) means (318, fig. 6) at the web server for transmitting the requested data and embedded Java codes to the remote client,
- d) means for executing the received Java codes at the client for displaying/presenting the requested data to the user dynamically (see col 11, lines 11-40).

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Gosling also teaches that the web/network server can be used to control and operate other network peripheral devices, i.e., including monitoring and retrieving data from the peripheral devices (see col 4, lines 4-14). Gosling does not explicitly teach utilizing a sensor for gathering operating data from a device. A sensor system for enabling remote monitoring and controlling industrial devices/machines is well known in the art as disclosed by Smith. Particularly, such prior art system comprises at least one or more sensors for collecting/recording various operating data including logging errors from the devices or machines and transmitting the logged data to a remote station via a wide-area network (see Smith's col 2, lines 50-64; col 3, lines 5-15 and 42-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such device sensors in Gosling because it would have enabled the user to monitor and modify operating data of the monitored device or machine.

Per claims 2-6, it is noted that Gosling's teachings encompass all claim limitations.

Claims 17, 56-69 and 126-128 are similar in cope as that of claims 1-6 and hence are rejected for the same rationale set forth for claims 1-6.

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7. Claim 7 is not rejected on arts.

Conclusion:

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU
PRIMARY EXAMINER

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2/7/05